

Charles Capetanakis (CC 1120)
DAVIDOFF MALITO & HUTCHER LLP
605 Third Avenue, 34th Floor
New York, NY 10158
Phone: (212) 557-7200
Fax: (212) 286-1884
Local Counsel for the Plaintiffs

James Bopp, Jr. (JB 0781)*
Joe La Rue (JL 2423)*
BOPP, COLESON & BOSTROM
1 South 6th Street
Terre Haute, IN 47807
Phone: (812) 232-2434
Fax: (812) 235-3685

Lead Counsel for the Plaintiffs

* Application for leave to appear pro
hac vice for this case made by
Motion on February 11, 2008
pursuant to Local Civil Rule 1.3(c).

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

X

TOM OGNIBENE, *et al.*,

C.A. No. 08 CV 01335 (LTS) (TDK)

Plaintiffs,

NOTICE OF MOTION

-against-

ORAL ARGUMENT REQUESTED

SCHWARZ, *et al.*,

Defendants.

X

PLEASE TAKE NOTICE THAT upon the annexed declaration of Charles Capetanakis,
Esq. dated the 22nd day of April 2008 and the exhibits thereto, the accompanying declaration of
Plaintiffs Tom Ognibene dated April 11, 2008, the declaration of Sheila Andersen-Ricci dated

April 10, 2008, the declaration of Yvette Velazquez Bennett dated April 11, 2008, the declaration of Martin Dilan dated April 14, 2008, the declaration of Martina Franca Associates, LLC dated April 10, 2008, the declaration of Robert Perez dated April 21, 2008, the declaration of Fran Reiter, dated April 9, 2008, the declaration of Reiter/Begun Associates, LLC dated April 10, 2008, the declaration of Michele Russo dated April 9, 2008, the declaration of Marlene Tapper dated April 10, 2008, and the declaration of Viviana Vazquez-Hernandez dated April 22, 2008, the accompanying memorandum of law and the papers in support thereof, Plaintiffs shall move before the Hon. Laura Taylor Swain, United States District Judge, on May 23, 2008, at 9:30 a.m., at the United States Courthouse, 500 Pearl Street, New York, New York for a preliminary injunction as follows:

1. As set out more fully in Plaintiffs' Amended Complaint and the accompanying Memorandum of Law, certain sections of New York City's Campaign Finance Act violates the Plaintiffs' rights under the First and Fourteenth Amendments to the United States Constitution. Specifically, the Plaintiffs cannot be subjected to New York City Administrative Code §§ 3-702(3), 3-703(1)(l), and 3-703(1-a) without depriving them of their constitutional rights of free speech, association, and equal protection;

2. As explained in the accompanying Memorandum of Law, Plaintiffs satisfy the requirements for preliminary injunctive relief to be granted. Plaintiffs have established that, absent relief, they will be irreparably harmed. Plaintiffs have also demonstrated a likelihood of success on the merits. In the alternative, Plaintiffs meet the 'fair ground for litigation' test. They have demonstrated that this case presents sufficiently serious questions going the merits to make

them a fair ground for litigation, and the balance of hardships tips decidedly in Plaintiffs' favor; and

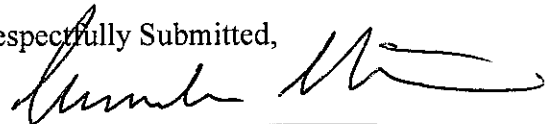
3. Because a preliminary injunction presents no monetary risks to Defendants, Plaintiffs request that bond be waived. Fed.R.Civ.P. 65(c).

4. Plaintiffs request that oral argument be scheduled for this motion.

PLEASE TAKE FURTHER NOTICE THAT responsive papers must be served upon the undersigned in accordance with the Federal Rules of Civil Procedure, the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, and this Court's Individual Practices.

Dated: New York, New York
April 24, 2008

Respectfully Submitted,



Charles Capetanakis (CC 1120)
DAVIDOFF MALITO & HUTCHER LLP
605 Third Avenue, 34th Floor
New York, NY 10158
Phone: (212) 557-7200
Fax: (212) 286-1884
Local Counsel for the Plaintiffs

James Bopp, Jr. (JB 0781)*
Joe La Rue (JL 2423)*
BOPP, COLESON & BOSTROM
1 South 6th Street
Terre Haute, IN 47807
Phone: (812) 232-2434
Fax: (812) 235-3685
Lead Counsel for the Plaintiffs

* Application for leave to appear pro hac vice for this case made by Motion on February 11, 2008 pursuant to Local Civil Rule 1.3(c).

TO: Jonathan Pines, Esq.
Assistant Corporation Counsel
for the City of New York
Attorney for Defendants
100 Church Street
Room 2-178
New York, New York 10007
(212) 788-0933